

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMIGA, INC., a Delaware corporation,

Plaintiff,

vs.

HYPERION VOF, a Belgium corporation,

Defendant.

CAUSE NO.: CV-07-0631-RSM

PROOF OF SERVICE

**[CERTIFIED TRANSLATION OF PROOF
OF SERVICE PREVIOUSLY FILED ON
MAY 4, 2001]**

PROOF OF SERVICE

Case No. CV07-0631-RSM

CABLE, LANGENBACH, KINERK & BAUER LLP
1000 SECOND AVENUE BUILDING, SUITE 3500
SEATTLE, WASHINGTON 98104-1048
(206) 292-8800

[emblem]

**Michel LEROY – Dominique LEROY – Marc VERJANS
Thierry VAN DIEST – Guy VAN DER EECKEN
BAILIFFS**

Avenue de la Couronne – Kroonlaan 358 1050 Ixelles – Elsen
ING: 310-1211982-53 CBC: 191-9295441-91

Ph: 02/626.86.99

Fax: 02/626.86.88

E-mail: citations@assocleroy.be

Trading hours:

Monday through Friday:

9:00 a.m. through 12:00 p.m.

File: A095015

Ph: 02/626.86.99

Client reference

Administrator: Mrs. B. Dekeyser

Reference to be mentioned over the telephone: +++095/0150/59290+++

SERVICE OF A WRIT

always mention
Mrs. B. Dekeyser

File reference:
+++095/0150/59290+++

Client reference:

Deed
TO REGISTER

O URGENT
O IN DEBIT

In the year two thousand and seven, on APRIL THIRTIETH

At the request of:

AMIGA INC CORPORATION DELAWARE, FIRM ACCORDING TO THE LAW OF THE UNITED STATES OF AMERICA, specifically of THE STATE OF WASHINGTON, with its registered office in USA – SNOQUALMIE, WA 98065, UNITED STATES OF AMERICA, 34935 SE DOUGLAS STREET. With Mr. BOSLY THIERRY, LAWYER with offices in BRUSSELS at WETSTRAAT 62, as its advisor.

I, the undersigned,

ALAIN IDE, acting bailiff, acting in replacement
of PATRICK HENDRIX, bailiff with offices in
Leuven, V. Decosterstraat 83.

Have served and left the following documents with:

HYPERION PARTNERSHIP FIRM, registered with the Crossroads Bank for enterprises under number 0466 380 552, with its registered office in B-3000 LEUVEN, BROUWERSSTRAAT 1/19. Where I was present (and addressed): [see source for handwritten text]

For receipt,

and since I was unable to serve the writ in accordance with articles 33 through 35 of the Judicial Code, I left a copy of the writ at the aforementioned address of the addressee in accordance with article 38§1 of the same Code, at 05.35 p.m. [see source for handwritten text], mentioning that I will send him a registered letter to inform him of the possibility of collecting a certified copy of this writ at my office.

[stamp]

[see source for handwritten /
English text]

(thus declared, who has not signed my original for receipt of the copy). [see source for handwritten text],

Copy of 13 documents drawn up in the English language consisting of:

1. document “complaint for damages, specific performance and injunctive relief (jury trial demanded)”, produced by the “United States District Court Western District of Washington at Seattle” dated April 26th 2007, consisting of 23 pages.
2. various documents consisting of “exhibit A through G”, commencing with “(OEM) LICENSE AND SOFTWARE DEVELOPMENT AGREEMENT” dated November 3rd 2001 and subsequent..., consisting of 51 pages.
3. document “summons in a civil action” produced by the “United States District Court Western District of Washington” dated April 26th 2007, consisting of 2 pages.
4. document “application for leave to appear pro hac vice” produced by the “United States District Court Western District of Washington” dated 04/24/07, consisting of 3 pages.

5. document "application for leave to appear pro hac vice" produced by the "United States District Court Western District of Washington" dated 04/24/07, consisting of 3 pages.
6. document "declaration of BARRIE JON MOSS in support of plaintiff Amiga, Inc's motion for preliminary injunction and motion for expedited discovery, case n° CV07-0631-RSM" produced by the "United States District Court Western District of Washington" dated 04/27/07, consisting of 27 pages.
7. document "Amiga's notice of motion and motion for expedited discovery and memorandum of points and authorities" produced by the "United States District Court Western District of Washington at Seattle", consisting of 12 pages.
8. document "proposed order granting ex parte application for order granting expedited discovery case n°: CV07-0631" produced by the "United States District Court Western District of Washington", consisting of 22 pages.
9. document "declaration of MORGAN W. TOVEY in support of plaintiff Amiga, Inc's ex parte application for order granting expedited discovery case n° CV07-0631-RSM", consisting of 21 pages.
10. document "Civil cover sheet", consisting of 2 pages.
11. document "Amiga's notice of motion and motion, memorandum of points and authorities in support of motion for preliminary injunction case n° CV07-0631-RSM", consisting of 28 pages.
12. document "declaration of WILLIAM MCEWEN in support of plaintiff Amiga, Inc's motion for preliminary injunction and motion for expedited discovery case n° CV-07-0631-RSM", consisting of 65 pages.
13. document "declaration of BARRIE JON MOSS in support of plaintiff Amiga, Inc's motion for preliminary injunction and motion for expedited discovery" produced by the "United States District Court Western District of Washington at Seattle", consisting of 27 pages.

a copy of these documents is attached to present original.

I execute this writ for his information, direction and according to the law.

And in order to make sure the served party is not unaware, I left him (them) a copy of present writ, in a sealed envelope if necessary, in accordance with the law, as mentioned above.

AS WITNESS THE HANDS OF THE PARTIES. Expenses: 1,779.90 Euro to be increased by any expenses for registered letter(s), being 4.82 Euro. 4.82 Euro per addressee, in case of absence. [see source for handwritten text]

fixed charge 3/4	81.39
fee	9.79
<u>transfer</u>	<u>11.44</u>
subtotal	102.62
<u>cf</u>	<u>1677.28</u>
total	1779.90

[see source for
handwritten text]

fixed charge	27.13
fixed charge for looking up information	6.09
advance for looking up information	4.96
fax paper	8.90
expenses for copies and extracts	1630.20
	1677.28
Total	1677.28

Registered in Leuven O.D.P.B.
on May 2nd 2007

[see source for handwritten text]

Received: twenty-five Euro

(25 EURO) the Senior Inspector,

The Bailiff.

[signature]

[stamp] for the Senior Inspector

[signature] J. Soetemans

Ch. VANHEUKELEN
P. HENDRIX
F. DAVIDTS
Bailiffs

V. Decosterstraat 83
3000 LEUVEN
Ph: 016/22.58.80
Fax: 016/20.76.18

FORTIS: 230-0049625-78

KBC: 431-0065341-30

ING: 330-0006676-37

IBAN NO: BE15 4310.0653.4130 BIC KRED BEBB

Leuven, 05/02/2007

PARTNERSHIP FIRM
HYPERION

Brouwersstraat 1, box 19

3000 LEUVEN

REGISTERED LETTER – OFFICE COPY

Case: AMIGA INC CORPORATION
M/Ref: V3394-07 / WW – Type of service: writ – 2189

Dear Sir, Madam,

I have the honor of announcing that I presented myself at the above-mentioned address on 04/30/2007 at 5:35 p.m.
I left a copy of a writ in a sealed envelope at this address.

A certified copy of this writ, equal to the copy deposited at your address, is at your disposal at my office for a period of three months from the date of service. This copy can be collected during office hours, either by you personally or by a person authorized in writing.

Sincerely yours,

C. VANHEUKELEN – P. HENDRIX – F. DAVIDTS

Important remarks:

- 1) If you found the copy of a writ (service, summons, sales decree etc...) in your mailbox, please consider this letter NULL AND VOID.
- 2) If the addressee WISHES to pick up this certified copy, he needs to bring current letter as well as his identity card or, if it concerns a legal entity, pieces of evidence regarding the legal entity.
If the addressee instructs another person (at least 16 years old) with the collection, this person needs to bring current letter, his identity card and the authorization below, completed accurately and signed in advance.

AUTHORIZATION

For receipt, I, the undersigned,
hereby grant authority to:

On: .../.../.....

Name:
First name:
Address:

Identity card to collect the copy of the aforementioned writ and sign for receipt.
N°

Reference V3394-07 / WW - **2189**

201

RECEIPT OF DELIVERY OF A REGISTERED LETTER**Non issue:**

Mention your name and address in the letter in order to prevent the documents from being sent to the department of undeliverable items in case of non-delivery.

Inquiry:

This receipt needs to be presented in case of complaints, requests for receipt of delivery (up to 6 months after delivery in the national department, only during delivery in the international department) etc.

Loss:

The compensation awarded in case of a lost registered letter is fixed and only concerns the importance the sender attaches to the delivery of his letter.

ADDRESSEE: PARTNERSHIP FIRM HYPERION

Brouwersstraat 1, box 19
3000 LEUVEN

Number:

Levy: 4.82 Euro

Type: LETTER

[stamp] CENTER OF LEUVEN 3000
 02.06.07/09

Settlement

€

bar code

010541288500452621 **200 045 610 289**

GRAYDON**Custom report****Date:** 04/30/2007**Client number:** 24107**Re:**

466380552

HYPERION PARTNERSHIP FIRM**BROUWERSSTRAAT 1/19****3000 LEUVEN****Official data**

Business number	466.380.552
Register for legal entities	RPR LEUVEN
	Private firm
Liable to VAT	Yes
Legal form	Partnership firm
Phone number	016/22.17.22

Background

Date	BBS-no	
10/1/2003	<u>20040623/92730</u>	Moved from registered office to BROUWERSSTRAAT 1/19 – 3000 LEUVEN
	<u>20040623/92730</u>	Previously located at MECHELSESTRAAT 143 – 3000 LEUVEN

Complete index of all deeds published in Appendices of the Belgian Law Gazette**Establishment**

Date of establishment	02-25-1999
Memorandum of association	Appeared in the Appendix of the Belgian Law Gazette under number <u>19990710/318</u>

Founders

HERMANS BEN
MECHELSESTRAAT 141
3000 LEUVEN

Other mandates	Position
<u>461.938.744</u> LEGEND CONSULTING PARTNERSHIP FIRM	Business manager

Dissolved on 11/18/2005

Legal end of mandate

466.380.552 HYPERION PARTNERSHIP FIRM

Manager

Resigned on 10/1/2003

CARTON EVERT

WINDMOLENSTRAAT 10

3000 LEUVEN

(also refer to management)

Management

Business manager

CARTON EVERT

WINDMOLENSTRAAT 10

3000 LEUVEN

Activities of Firm

Source

VAT registration

72220

Other advice with regard to software and delivery of software.

Appendix Belgian Law Gazette

Development of software.

Trade register

3/2000

in LEUVEN

Consultancy in information science.

Financial position

Banker

Dexia Bank Belgium 068-2181375-66

ING Belgium 330-0708525-91

Payment practice

Bankruptcy/Judicial Agreement

No registration was found in the Belgian Register of Bankruptcies.

Objections	None disclosed
-------------------	----------------

Summons RSZ [Department of Social Security]	None disclosed
--	----------------

Summons(es) Fund for Social Security	None disclosed since 3/1999
---	-----------------------------

Summons(es) Social Insurance Fund for the Self- Employed	None disclosed since 3/1999
---	-----------------------------



TRANSPERFECT
TRANSLATIONS

ALBANY
AMSTERDAM
ATLANTA
AUSTIN
BOSTON
BRUSSELS
CHARLOTTE
CHICAGO
DALLAS
DENVER
FRANKFURT
GENEVA
HONG KONG
HOUSTON
IRVINE
LONDON
LOS ANGELES
MIAMI
MINNEAPOLIS
MONTREAL
MUNICH
NEW YORK
PARIS
PHILADELPHIA
RESEARCH
TRIANGLE PARK
SAN DIEGO
SAN FRANCISCO
SAN JOSE
SEATTLE
SINGAPORE
STOCKHOLM
TOKYO
TORONTO
WASHINGTON, DC

City of New York, State of New York, County of New York

I, Jessica Majestic, hereby certify that the following is, to the best of my knowledge,
ability and belief, a true and accurate translation of the Proof of Service from Dutch
into English.

Signature

Sworn to before me this
10th day of May, 2007

Signature, Notary Public

PAUL D. RALSTON
Notary Public, State of New York
No. 01RA6023867
Qualified in Queens County
Commission Expires May 3, 2007

Stamp, Notary Public